

AN ACT
D.C. ACT 24-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 21, 2022

To prevent the District government from facilitating certain investigations and proceedings that limit the exercise of human right of bodily autonomy in the District of Columbia, and to create a right of action against parties that have secured or enforced certain types of judgments based on exercises of human rights of bodily autonomy in the District of Columbia; to amend Chapter 4A of Title 13 of the District of Columbia Official Code to require affirmation of noninterference in bodily autonomy rights in connection with subpoena requests; and to amend the Human Rights Act of 1977 to include additional definitions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Rights Sanctuary Amendment Act of 2022”.

TITLE I. RIGHT TO BODILY AUTONOMY

Sec. 101. District government nonparticipation in interstate investigations and proceedings interfering with certain rights.

(a) The District and its officers and employees acting in their official capacities shall not provide any information or expend or use time, money, facilities, property, equipment, personnel, or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability upon any person for the following conduct, or for attempting, aiding, abetting, advising, facilitating, or intending or conspiring to achieve the following conduct, except to the extent that such conduct would be prohibited under District law:

- (1) Receiving or seeking an abortion or contraception;
- (2) Performing or inducing an abortion with the voluntary consent of the pregnant person;
- (3) Engaging in sexual conduct;
- (4) Providing contraception to an entity or to an individual with that individual’s voluntary consent;
- (5) Using contraception;
- (6) Entering into or remaining in a living arrangement, marriage, domestic partnership, or civil union; or
- (7) Providing, consenting to, receiving, or facilitating gender-affirming care.

(b) A person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damages and such other remedies as may be appropriate. An action pursuant to this subsection shall be filed in a court of competent jurisdiction within 2 years of the violation, or the discovery of the violation.

(c) For the purposes of this section, the term:

(1) "Contraception" shall have the same meaning as provided in section 102(4A) of the Human Rights Act of 1977 (D.C. Law 2-38, effective December 13, 1977; D.C. Official Code § 2-1401.02(4A)).

(2) "Domestic partnership" shall have the same meaning as provided in section 102(7B) of the Human Rights Act of 1977 (D.C. Law 2-38, effective December 13, 1977; D.C. Official Code § 2-1401.02(7B)).

(3) "Gender-affirming care" shall have the same meaning as provided in section 102(12A) of the Human Rights Act of 1977 (D.C. Law 2-38, effective December 13, 1977; D.C. Official Code § 2-1401.02(12A)).

(4) "Living arrangement" shall have the same meaning as provided in section 102(15A) of the Human Rights Act of 1977 (D.C. Law 2-38, effective December 13, 1977; D.C. Official Code § 2-1401.02(15A)).

(5) "Person" shall have the same meaning as provided in section 102(21) of the Human Rights Act of 1977 (D.C. Law 2-38, effective December 13, 1977; D.C. Official Code § 2-1401.02(21)).

Sec. 102. Private right of action for use of courts to interfere with exercise in the District of certain rights.

(a) A person who has had a judgment entered against him or her, in any jurisdiction, where liability is based in whole or in part on the person's alleged conduct of a type identified in section 101(a), including under any theory of vicarious, joint, several or conspiracy liability, shall have a cause of action and may recover damages from any party that brought the action leading to that judgment or that has sought to enforce that judgment.

(b) Recoverable damages under this section shall include:

(1) Just damages created by the action that led to that judgment, including money damages in the amount of the judgment and costs, expenses, and reasonable attorney's fees spent in defending the action that resulted in the entry of a judgment in another jurisdiction; and

(2) Costs, expenses, and reasonable attorney's fees incurred in bringing an action under this section, as may be allowed by the court.

(c) Nothing in this section shall be interpreted to enable a court to vacate, render invalid, or otherwise disturb a judgment giving rise to an action under this section.

(d) The provisions of this section shall not create a cause of action based on a judgment entered in another jurisdiction that resulted from:

(1) An action founded in tort, contract, or statute for which a similar claim would exist under the laws of the District; or

(2) An action where no part of the acts that formed the basis for liability occurred in the District, the person subject to the earlier judgement does not reside or have its primary place of business in the District, and the injury caused by the judgement did not occur in the District.

(e) For the purposes of this section, the term "person" shall have the same meaning as provided in section 102(21) of the Human Rights Act of 1977 (D.C. Law 2-38, effective December 13, 1977; D.C. Official Code § 2-1401.02(21)).

TITLE II. INTERSTATE DEPOSITIONS AND DISCOVERY

Sec. 201. Chapter 4A of title 13 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 13-449. Affirmation of noninterference with bodily autonomy."

(b) Section 13-443 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "submit a foreign subpoena" and inserting the phrase "submit a foreign subpoena and a copy of the sworn statement required under § 13-449(b)" in its place.

(2) Subsection (b) is amended by striking the phrase "When a party" and inserting the phrase "Except as provided in subsection (d) of this section, when a party" in its place.

(3) A new subsection (d) is added to read as follows:

"(d) If a party submits a document to the Clerk of the Superior Court that would be a valid foreign subpoena except that the party seeking enforcement and their counsel refuse to provide the affirmation required by § 13-449, then the Clerk shall not issue the requested subpoena and shall instead issue to the person to whom the document is directed a copy of the document and a notice of violation of § 13-449 on a form developed by the Clerk of the Superior Court."

(c) A new section 13-449 is added to read as follows:

"§ 13-449. Affirmation of noninterference with bodily autonomy.

"A subpoena issued under the authority of a court of record of a foreign jurisdiction shall not be recognized as a valid foreign subpoena unless it is accompanied by a sworn written statement signed by the party seeking enforcement or their counsel under penalty of perjury that no portion of the subpoena is intended or anticipated to further any investigation or proceeding of a type described in § 2-1441.02(a)."

TITLE III. CONFORMING AMENDMENT

Sec. 301. Section 102 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02), is amended as follows:

(a) A new paragraph (4A) is added to read as follows:

“(4A) “Contraception” means any device, medication, or practice designed or employed to prevent pregnancy, including emergency contraception, the use of which would be lawful in the District.”.

(b) Paragraphs (12A) and (12A-i) are redesignated as paragraphs (12A-i) and (12A-ii), respectively.

(c) A new paragraph (12A) is added to read as follows:

“(12A) “Gender-affirming care” means any social, psychological, behavioral, medical, or surgical intervention that is lawful in the District and that is designed or employed to support or affirm a person’s gender identity or expression, including hormone therapy, behavioral healthcare, reproductive counseling, hair removal, speech therapy, facial reconstruction surgery, and gender affirmation surgery.”.

(d) A new paragraph (15A) is added to read as follows:

“(15A) “Living arrangement” means the cohabitation of any number of related or unrelated persons in the same household.”.

TITLE IV. GENERAL PROVISIONS

Sec. 401. Fiscal impact statement.

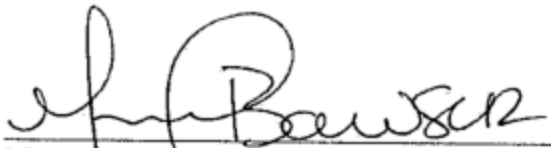
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 402. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 21, 2022



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. B24-0808

[X] ITEM ON CONSENT CALENDAR

[X] ACTION

First Reading, CC

[X] VOTE DATE

October 4, 2022

[] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote					AB – Absent					NV - Present, Not Voting					Rec - Recused		

CERTIFICATION RECORD

Secretary to the Council

10.25.22
Date

Docket No. B24-0808

[X] ITEM ON CONSENT CALENDAR

[X] ACTION

Final Reading, CC

[X] VOTE DATE

October 18, 2022

[] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result

Gray

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray				X		Pinto	X										
X - Indicate Vote					AB – Absent					NV - Present, Not Voting					Rec - Recused		

CERTIFICATION RECORD

Secretary to the Council

10.25.22
Date